

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: May 27, 2015

Judge: Hon. James Donato

Time: 1 hour & 8 minutes

Case **C-14-03264-JD IN RE CAPACITORS ANTITRUST LITIGATION**

Attorney(s) for Plaintiff(s): Steven Williams/Joseph Saveri/Andrew Purdy/James Dallal  
Adam Zapala/Matthew Weller

Attorney(s) for Defendant(s): Joseph Bial/Charles F. Rule/Roxane Polidora/Jacob Sorensen  
Molly Donovan/Ian Papendick/Eric Enson/Jeffrey Jaeckel  
Darrell Prescott/Ethan Litwin/Christina Brown/Howard Parker  
Austin Schwing/Scott Mendel/Michelle Park Chiu/Alex  
Shepard Spiegel/Daniel Howley/John Ellegrini/Jessica Duggan  
Jeff Van Hooreweghe/Justin Cohen/Heather Tewksbury  
Claire Maddox

Deputy Clerk: Lisa R. Clark

Court Reporter: Pam Batalo

PROCEEDINGS

Hearing on NCC's Motion to Dismiss - Held

Discovery Hearing - Held

RESULT OF HEARING

**I. Discovery Issues**

On the issue of defendants' responses to plaintiffs' contention interrogatories, the Court will not compel responses. The Court does, however, remind all parties of their continuing duty to supplement disclosures and responses pursuant to FRCP 26(e), and advises them that evidentiary sanctions will attach for any failures to do so.

On the issue of the use of experts in connection with the upcoming FTAIA motions, all parties are directed to file by June 10, 2015, a statement indicating whether or not that party will be using an expert.

On the format of documents for production, the Court finds that plaintiffs have the right to request documents in their native format instead of as TIFF images going forward, and observes

that such a request would be reasonable. The Court declines to make any rulings on the cost-shifting issue at this time.

The Court discusses with the parties the status of discovery and expresses concern about the pace of productions by defendants. The Court orders the parties to file a joint statement by June 3, 2015, setting forth a comprehensive and detailed schedule with firm end dates of production for the various tranches of documents that defendants have agreed to produce.

## **II. NCC's Motion to Dismiss for Lack of Personal Jurisdiction**

The Court hears argument on NCC's motion to dismiss. Dkt. No. 478. The Court will issue an order.